

**AMENDMENTS TO THE DRAWINGS**

Applicant has enclosed an Amendment to the Drawings under 37 C.F.R. § 1.121(d) with the submission of two (2) sheets of corrected formal drawings for filing in the above-identified application. Page 1/11, featuring FIGS. 1 and 2, is submitted with the following change: Reference numeral 57 has been added to FIG. 2. Page 8/11, featuring FIG. 9, is submitted with the following change: Reference numeral 240 has been added to the previously unlabeled lead line.

### **REMARKS**

This is in response to the Office Action mailed July 13, 2005. Please reconsider the application in view of the above amendments and the following remarks.

#### **Status of Claims**

The Office Action withdrew claims 8, 9, 15, 16 from consideration as being drawn to a non-elected species. The Office Action also objected to the drawings, rejected claims 1-7, 10, 12, 14, 19 and 20, and objected to claim 11 as being dependent upon a rejected base claim. The examiner stated that claim 11 would be allowable if rewritten in independent form including all limitations of the base claim and any intervening claims. Applicant notes with appreciation the Examiner's allowance of claims 17 and 18.

#### **Drawings**

The Office Action objected to the drawings because a lead line in FIG. 9 was not numbered and reference numerals 55 and 57 were not shown in the Figures. The specification has been amended to remove the reference to numeral 55, FIG. 2 has been amended to show reference numeral 57, and FIG. 9 has been amended to label the previously unlabeled lead line with the reference number 240. As such, applicant respectfully requests that the objections to the drawings be withdrawn.

#### **Rejections under 35 U.S.C. §103**

The Office Action rejected claims 1 and 10 under 35 U.S.C. § 103(a) as being obvious over Lantsman (USP 6,027,068) in view of Stroh (USP 4,898,314). Furthermore, the Office Action also rejected claims 2-7, 12-14, 19, 20 under 35 U.S.C. § 103(a) as being obvious over Lantsman ('068) in view of Stroh ('314) and further in view of Rieth (USP 3,614,016).

##### **1. Prima Facie Obviousness Standard.**

To establish a prima facie case of obviousness under 35 U.S.C. § 103, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine

reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. M.P.E.P. 2143.

2. The combination of Lantsman and Stroh do not teach or suggest all of the elements recited in claim 1.

In order to reject a claim under 35 U.S.C. § 103 as being obvious, all of the claim limitations must be taught or suggested by the prior art. *See* M.P.E.P. 2143.03, citing *In re Royka*, 180 U.S.P.Q. 580 (C.C.P.A. 1964). Claim 1 has been amended to specifically identify and include a removable pin that locks or prevents rotation of the spool with respect to the cassette when the pin is inserted into aligned recesses of the cassette and spool. Neither Lantsman nor Stroh teach or suggest a removable pin inserted into aligned recesses. The combination of Lantsman and Stroh therefore fails to disclose, teach, or suggest all of the elements recited in amended claim 1, and amended claim 1 is patentable over Lantsman in view of Stroh. Claim 7 depends from claim 1 and is therefore allowable.

3. There is no suggestion or motivation to combine the teachings of Rieth with Lantsman and Stroh in the manner recited in claims 7 and 12-14.

Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion or motivation to do so found in the references themselves or in the knowledge generally available to one of ordinary skill in the art. M.P.E.P. 2143.01. If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. M.P.E.P. 2143.01, citing *In re Ratti*, 123 U.S.P.Q. (BNA 349 (C.C.P.A. 1959).

In this case, there is no suggestion or motivation to modify the teachings of Stroh, which discloses the use of spring blades to limit unwinding and defines an outer confinement radius for wire on a spool, to include a pin that serves as an indexing mechanism and to completely prevent rotation. Modifying the Stroh apparatus to include a fixed pin that prevents rotation would be directly contrary to

the teachings of Stroh, and would destroy the purpose of Stroh, which is to provide a brake means and to confine the diameter of the unwinding wire. Therefore, there is no motivation or suggestion to make this modification, and absent a motivation or suggestion, rejection of amended claims 7 and 12-14 under 35 U.S.C. § 103 is not proper.

4. The Stroh patent is not analogous art and can not be relied upon as a basis for rejection of claims 7 and 12-14.

In order to rely on a reference as a basis for rejection of an applicant's invention, the reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned." See M.P.E.P. § 2141.01(a) citing *In re Oetiker*, 977 F.2d 1443, 1446 (Fed. Cir. 1992). An apparatus to control the depth one is fishing is not in the same field as providing a continuous length of filament to a manufacturing machine that produces parts and prototypes by melting and extruding the filament on a layer-by-layer basis. Furthermore, the apparatus of Stroh is not reasonably pertinent to the particular problem with which the Applicant was concerned. "A reference is reasonably pertinent if ... it is one which, because of the matter with which it deals, logically would have commended itself to an inventor's attention in considering his problem." See M.P.E.P. 2141.01(a) citing *In re Clay*, 966 F.2d 656, 659 (Fed. Cir. 1992).

In this case, one of Applicant's concerns was to create a cassette for delivering a continuous length of filament with a means for preventing tangling of filament in the cassette. On the other hand, the objects of the Stroh apparatus were to provide means for preventing the fishing reel from rotating when a desired depth is achieved, and means for determining the length of line unwound at any given point. ('016, col. 1, lines 60-63). Means for stopping a fishing reel from rotating when a desired depth is reached and for determining the length of line unwound at any given point would not have commended itself to the Applicant's attention in considering how to prevent tangling of filament in a cassette used in a manufacturing machine. Therefore, Stroh is not analogous prior art and can not be relied upon as a basis for rejection.

In short, because Stroh is not analogous art, it should not be relied upon and all of the elements of claims 7 and 12-14 are not disclosed, taught or suggested, thereby precluding a rejection of the claims under 35 U.S.C. § 103. Applicant respectfully requests that the examiner withdraw the rejection under 35 U.S.C. § 103 and allow claims 7 and 12-14.

5. The prior art does not disclose, suggest or teach the amended method of claim 19 comprising threading the filament strand through a tubular guide member.

In order to reject a claim under 35 U.S.C. § 103 as being obvious, all of the claim limitations must be taught or suggested by the prior art. See M.P.E.P. 2143.03, citing *In re Royka*, 180 U.S.P.Q. 580 (C.C.P.A. 1964). Amended claim 19 refers to a method of assembling a cassette including threading a filament strand through a tubular guide member. The Examiner has previously found the tubular guide member to be patentable, as evidenced by the allowance of claims 17 and 18, and accordingly has cited no prior art reference that has disclosed, taught, or suggested the use of the tubular guide member. As such, Applicant respectfully requests that the examiner withdraw the rejection under 35 U.S.C. § 103 and allow claim 19.

### CONCLUSION

Applicant has attempted in earnest to address each issue raised in the Office Action of April 27, 2005. In view of the foregoing, Applicant requests a notice of allowability for all pending claims 1, 7, 10, 12, 14 and 19.

The Commissioner is authorized to charge any additional fees associated with this paper or credit any overpayment to Deposit Account No. 11-0982.

Respectfully submitted,  
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Date: 10/05/05

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